

Montana State Library Commission Policy

Family and Medical Leave Act to Supplement State Policy 3-0309 (10/08/04)

This Montana State Library Commission Policy to Supplement State Policy 3-0309 (10/08/04). The intent is to clarify and expand those areas that are left to agency responsibility in the state policy.

The federal Family and Medical Leave Act (FMLA) became effective in August 1993. FMLA "entitles qualified employees to up to 12 weeks of unpaid leave per year for the birth or adoption of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition." "Serious health condition" is defined as one which requires either inpatient care, or "continuing treatment by a health care provider."

Employers covered by the law are required to maintain any pre-existing health coverage (the state share for employee only) during the leave period and, once the leave period is concluded, to reinstate the employee to the same or an equivalent job."

To be eligible for FMLA coverage, an employee must have worked for the state of Montana for a total of 12 months, and for 1,040 hours during the previous 12 months.

It is the policy of the State Library Commission to begin documenting FMLA when a qualifying condition is determined. Written notice must be provided to the employee when designation of leave has been determined. The notice will detail the rights, specific expectations and obligations of the employee and explain any consequences of a failure to meet these obligations. When FMLA becomes effective, it will be documented on an hourly basis as FMLA leave, and it may run concurrently with paid sick leave or exempt compensatory time, at the discretion of the agency. An absence due to an illness will not be charged against unused vacation leave or nonexempt compensatory time unless approved by the employee.

The provision of medical certification by an employee shall be dependent upon the type of FMLA leave requested. Normally medical certification will be requested after six weeks of the onset of a qualifying condition. An employee will be allowed fifteen calendar days to provide the requested medical certification.